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Atty. Docket: 4940/1D

# 7

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Vivian Pecus *et al.*  
Serial No. : 09/960,605 Examiner: Not Yet Assigned  
Filing Date : September 21, 2001 Art Unit: 2661  
Title : LARGE EDGE NODE FOR SIMULTANEOUS VIDEO ON  
DEMAND AND LIVE STREAMING OF SATELLITE  
DELIVERED CONTENT

Office of Petitions  
Commissioner for Patents  
The United States Patent and Trademark Office  
Washington, D.C. 20231

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OFFICE OF PETITIONS

**PETITION TO ACCORD FILING DATE UNDER 37 CFR § 1.10(c)**

Sir:

Applicants respectfully petition the Commissioner under 37 CFR § 1.10(c) to accord the above identified application ("the Application") a filing date of September 21, 2001, which is the "date-in" on the "Express Mail" mailing label that accompanied the Application as originally filed. Also, Applicants respectfully request the issuance of a corrected filing receipt in which the erroneous filing date of "9/20/01" is deleted and replaced with the correct filing date of --9/21/01--.

Applicants respectfully submit that the Application, which was received by the United States Patent and Trademark Office ("the Office") and delivered by the "Express Mail Post Office to Addressee" service of the United States Post Office, has been accorded an incorrect

filing date that does not correspond to the “date-in” of the “Express Mail” mailing label that accompanied the Application as originally filed. Applicants further submit that:

(1) Efforts to correct the filing date of the Application began promptly after Applicants received a filing receipt and Notice to File Missing Parts of Non-Provisional Application for the Application, dated October 25, 2001 (“NTFMP”), when Applicants filed a Request for Corrected Filing Receipt, dated December 21, 2001, in response to the NTFMP. Applicants received a Response to Request for Corrected Filing Receipt (“RRCFR”) and now submit the instant petition in response to the RRCFR.

(2) The number of the “Express Mail” mailing label that accompanied the Application as originally filed, EL920636983US, was placed on each sheet of the Application, as well as the return postcard and Utility Patent Application Transmittal that accompanied the Application as originally filed.

(3) Accompanying the instant petition is a true copy of the “Express Mail” mailing label that accompanied the Application as originally filed which clearly shows the “date-in” as September 21, 2001 and the number of the “Express Mail” mailing label of EL920636983US.

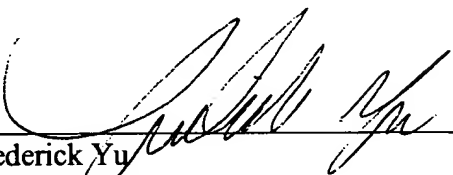
A copy of the original Filing Receipt with the change noted thereon, together with a copy of the Response to Request for Corrected Filing Receipt, is enclosed. Issuance of a Corrected Filing Receipt is respectfully requested.

As this Petition for a Corrected Filing Receipt is submitted under 37 CFR § 1.10(c), Applicant does not believe that any additional fees are due. Should, however, additional fees be

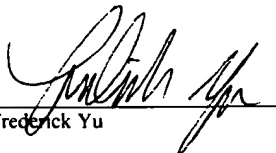
due, the Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to our Deposit Account No. 02-4270.

Respectfully Submitted,

Dated: July 15, 2002

  
\_\_\_\_\_  
Frederick Yu  
Reg. No. 45,251  
BROWN RAYSMAN MILLSTEIN FELDER  
& STEINER LLP  
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I hereby certify that this paper, together with all items referred to therein,  
is being deposited this date with the U.S. Postal Service as First Class Mail  
addressed to Office of Petitions, Commissioner for Patents, Washington, D.C. 20231

  
\_\_\_\_\_  
Frederick Yu

July 15, 2002  
\_\_\_\_\_  
Date

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/960,605	<del>09/20/2001</del> 09/21/2001	2661	0.00	4940/1D	11	5	2

CONFIRMATION NO. 5667

Frederick Yu  
Brown Raysman Millstein  
Felder & Steiner LLP  
900 Third Avenue  
New York, NY 10022



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## FILING RECEIPT



\*OC000000006972395\*

Date Mailed: 10/25/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Vivian Pecus, Falls Church, VA;  
Christopher Benden, Woodford, VA;  
David L. Bullock, Conyers, GA;  
Philip Lausier, Canton, GA;  
Mark Kalmbach, Round Rock, TX;  
Aaron D. Falk, Norwalk, CT;

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/275,779 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,780 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,781 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,782 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,783 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,804 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,813 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,815 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,816 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,817 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,825 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,826 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,827 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,838 03/13/2001  
AND CLAIMS BENEFIT OF 60/275,795 03/13/2001

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## Foreign Applications

RECORDS UPDATED

6/31/01 Te

**If Required, Foreign Filing License Granted 10/25/2001**

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Large edge node for simultaneous video on demand and live streaming of satellite delivered content

**Preliminary Class**

370

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09960605	092001	PECUS, et al.	4940/1D

Frederick Yu  
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900 Third Avenue  
New York, NY 10022

Date Mailed: 02/04/02

## RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

## Application Filing Date

In response to your request for a corrected Filing Receipt, the Office can not comply with your request because:

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If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.

OFFICE OF PETITIONS



A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.



The "date in" on the Express Mail label is the date given on the Filing Receipt.



The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).



Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.

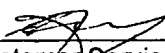


The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, should be directed to:

Box DAC  
Commissioner for Patents  
Washington, DC 20231

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Customer Service Center  
Initial Patent Examination Division  
(703) 308-1202

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